

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PERRY TRECHAK	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 10-227
SETON COMPANY SUPPLEMENTAL	:	
EXECUTIVE RETIREMENT PLAN, et al.	:	

ORDER

AND NOW, this 24th day of November, 2010, for the reasons stated in the foregoing Memorandum, it is hereby ORDERED as follows:

1. Defendants' Motion to Dismiss (Doc. 12) is GRANTED with prejudice as to Count Two, GRANTED with leave to amend as to Count Three, DENIED as to Count Four, GRANTED with leave to amend as to claims against Kampling and Kaltenbacher, and DENIED as moot as to claims for benefits not yet due.
2. Plaintiff shall file an amended complaint within twenty-one (21) days.

BY THE COURT:

/s/ Michael M. Baylson

Michael M. Baylson, U.S.D.J.